IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

(1) Summons for Judgment No.135 of 2007
in
Summ.Suit No. 244 of 2007

Jagdish K.Chhabria ..Plaintiff

vs.

Kishin G.Advani and anr. ..Defendantd

Mr.U.G.Tahiliani for plaintiff.
Mr.S.Jain i/b Mr.Manhar R.Dhameja for defendant.

(2) Summons for Judgment No.136 of 2007
in
Summary Suit No.278 of 2007

Jagdish K.Chhabria ..Plaintiff

vs.

Mrs.Varsha K.Advani and anr. ..Defendants

Mr.U.G.Tahiliani for plaintiff.
Mr.Sanjay Jain i/b Mr.Manhar R.Dhameja for defendants.

(3) Summons for Judgment No. 143 of 2007
in
Summary Suit No. 238 of 2007

Mahesh Sanghavi ..Plaintiff

vs.

Chaitanya Rajaram Kalbag ..Defendant

Mr.K.P.Jain ib Mr.Tushar Goradia for plaintiff
Mr.Arif Bookwala with Ms.Nita Madhwani for defendant.

(4) Summons for Judgment No. 137 of 2007
in
Summary Suit No.178 of 2007

Sunil Jagdish Chhabria ..Plaintiff

vs.

Kishin G.Advani and anr. ..Defendants

Mr.U.G.Tahiliani for plaintiff.
Mr.Sanjay Jaian i/b Mr.Manhar Dhameja for defendants

(5) Summons for Judgment No.152 of 2007
in
Summary Suit No.2726 of 2006

Mrs.Meera Ghanshyam Narang ..Plaintiff

vs.

Kishin G.Advani and anr. ..Defendants

Mr.U.G.Tahiliani for plaintiff.
Mr.Sanjay Jain i/b Mr.Manhar Dhameja for defendants

(6) Summons for Judgment No.153 of 2007
in
Summary Suit No.2673 of 2006

Jasjit Singh Narang ..Plaintiff

vs.

Kishin G.Advani and anr. ..Defendants

Mr.U.G.Tahiliani for plaintiff.
Mr.Sanjay Jain i/b Mr.Manhar Dhameja for defendants.

(7) Summons for Judgment No.138 of 2007
in
Summary Suit No. 183 of 2007

Mrs.Bhagwanti K.Chhabria ..Plaintiff

vs.

Kishin G.Advani and another ..Defendants

Mr.U.G.Tahiliani for plaintiff
Mr.Sanjay Jain i/b Mr.Manhar Dhameja for defendants.

(8) Summons for Judgment No. 142 of 2007
in
Summary Suit No. 237 of 2007

Kartik Mahesh Sanghavi ..Plaintiff

Vs.

Chaitanya Rajaram Kalbag ..Defendant

Mr.K.P.Jain with Mr.Tushar Goradia for plaintiff

Mr.Arif Bookwala with Ms.Nita Madhwani for defendant

CORAM: S.C.DHARMADHIKARI J.
16th July, 2007

P.C.

1. In all these summonses for judgment the plaintiffs are relying upon the Bills of Exchange, the copies of which are annexed to the plaint, which have been drawn in the year 2001, presented in the year 2003 and the amounts claimed thereunder were paid in full by the defendants by cheque.

2. The dispute is about their appropriattion and adjustment towards the interest first and thereafter the principal amount, the balance sum which according to the plaintiff is due and payable and that is how the instant suit.

3. Apart from relying upon the bill and belated demand it is contended that the claim in the present suit is not maintainable under Order 37 of the Code of Civil Procedure as the same is claimed on negotiable instrument which is paid in full. There is a complete discharge and satisfaction and no amount of interest can be claimed when the same is not due and in any event claimed upon presentation of the Bills of Exchange. Thus, the claim for interest, apart from being belated, gives rise to certain triable issues which cannot be gone into and

decided on the basis of the affidavit. The plaintiff will have to prove his claim in accordance with law and that is how any liability can be fastened on the defendants.

4. For trying all these issues including the delay unconditional leave is granted. The suit is transferred to commercial causes. Usual directions for filing of the written statement and discovery as also inspection of documents to be completed within 8 weeks.

5. Summons for judgments are disposed of as above.

(S.C.DHARMADHIKARI J.)